IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITON NO. 10267 OF 2004

Dattatray Limbaji Shewale ...Petitioner

**Versus**

The State of Maharashtra ...Respondent.

Mr. N.V. Bandiwadekar for the Petitioner

Mr. R.D. Rane, Additional Government Pleader, for the Respondent.

CORAM: DALVEER BHANDARI, C.J.,

&

S. A. BOBDE, J.

DATED: JANUARY 13, 2005.

P.C.:

We have heard the learned Counsel for the parties.

2. By this writ petition, the petitioner has approached this Court claiming that he is entitled for grant of deemed date of promotion to the post of Agricultural Officer from 23rd July, 1981 and the petitioner be granted the said deemed date of promotion as well as consequential arrears of pay and allowances from 23rd July, 1981.

3. The Maharashtra Administrative Tribunal in its order dated 30th June, 2004 has carefully dealt with the said contentions. It is mentioned in the order that the State of Maharashtra has denied him the deemed date as 213rd July, 1981 on the ground that his record was not satisfactory. According to the respondent, even if criminal cases had not been launched against him, he would not have been promoted to the post of Agricultural Officer.

4. The case of the petitioner was considered for promotion along with his juniors in the D.P.C. Meeting held in the month of April, 1981. His confidential reports for the period from 1975-76 to 1979-80 were also carefully considered. The petitioner's confidential records for this period were not found satisfactory.

5. Since criminal cases were pending against him, hence, he was not considered for promotion in the year 1981. Subsequently, on acquittal in 1999, D.P.C. reviewed his case in the year 2000 and came to the conclusion that if criminal cases had not been pending against him, he would have been promoted as Agricultural Officer in November, 1981. The D.P.C., therefore, recommended grant of deemed date as 18th January, 1981, the date on which Nikam, his junior, was promoted. The Tribunal came to definite conclusion and in view of aforementioned facts, the petitioner's case has no merit and his claim for grant of deemed date as 23rd July, 1981 is not tenable.

6. We do not find that the reasonings arrived at by the Tribunal are erroneous. No interference is called for. The Writ Petition, being devoid of any merit, is accordingly dismissed.

**CHIEF JUSTICE**

**S. A. BOBDE, J.**